

UNITED STATES DISTRICT COURT

## DISTRICT OF NEVADA

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HENRY ALTAMIRANO.

Case No. 3:23-cv-00266-MMD-CSD

**Petitioner,**

## ORDER

v.

WARDEN TIM GARRETT, *et al.*,

## Respondents.

Petitioner Henry Altamirano, a *pro se* Nevada prisoner, submitted a Petition for Writ of Habeas Corpus (ECF No. 1-1) under 28 U.S.C. § 2254. On July 6, 2023, the Court instructed Petitioner to submit a complete application to proceed *in forma pauperis* (“IFP”) or pay the \$5.00 filing fee. (ECF No. 4.) On July 7, 2023, Petitioner filed his financial certificate. (ECF No. 3.)

16 A \$5.00 filing fee is required to initiate a habeas action in a federal district court.  
17 See 28 U.S.C. § 1914(a); Judicial Conference Schedule of Fees. The Court may  
18 authorize a person to begin an action without prepaying fees and costs if the person  
19 demonstrates indigency. See 28 U.S.C. § 1915; LSR 1-1; LSR 1-2. The IFP application  
20 must be submitted on the form provided by the Court and include specific financial  
21 information and a declaration confirming under the penalty of perjury that the financial  
22 information is true. See *id.*

23 The financial certificate shows that Petitioner is able to pay the \$5.00 filing fee.  
24 Thus, he does not qualify for a fee waiver. The Court therefore denies the IFP application  
25 and gives Petitioner 45 days to pay the \$5.00 filing fee.

26 It is therefore ordered that the initial screening of the Petition for Writ of Habeas  
27 Corpus (ECF No. 1-1) under the Rules Governing Section 2254 Cases is deferred until  
28 Petitioner has fully complied with this order.

It is further ordered that, within 45 days of the date of this order, Petitioner must pay the \$5.00 filing fee.

The Clerk of Court is directed to send Petitioner two copies of this order. If Petitioner decides to pay the filing fee from his inmate account, he must arrange to have a copy of this order attached to the check for the filing fee.

It is further ordered that Petitioner's failure to comply with this order within 45 days by paying the filing fee will result in the dismissal of this action without prejudice and without further advance notice.

DATED THIS 13<sup>th</sup> Day of July 2023.



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MIRANDA M. DU  
CHIEF UNITED STATES DISTRICT JUDGE